THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.9397 of 2006

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DATED:28-04-2006

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BETWEEN

Smt T. Vijaya Lakshmi and others.

...PETITIONERS

AND

The Municipal Commissioner, Tadipatri Municipality, Tadipatri,Ananthapur District and others.

...RESPONDENTS

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.9397 of 2006

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of third respondent in cancelling the house site pattas issued by the fifth respondent, vide

D.Dis.No.D2/702/2002, dated 13-2-2006, as illegal and arbitrary.

The case of the petitioners is that the fifth respondent has granted pattas with regard to certain extents of lands in Sy.No.787 at Tadipatri in their favour. While so, the first respondent has requested the fifth respondent to cancel the said pattas as the Municipal Council, Tadipatri has proposed to construct F.L.S. Reservoir in Sy.No.787. It is stated that the fifth respondent referred the matter to third respondent and also submitted parawise remarks stating that the encroachments of the three assignees by way of dwelling huts in Sy.No.787 at Tadipatri have been regularized in terms of G.O.Ms.No.508 dated 20-10-1995. After due enquiry, the fifth respondent regularized the encroachments in Sy.No.787 and issued pattas. After filing counter by all the persons, the third respondent has disposed the case on 06-09-2000 stating that an alternative site to an extent of Ac.0-21 cents available in the same Sy.No.787 situated adjacent to their house sites and the vacant site may be utilized for construction of the proposed tank without disturbing the petitioners and that the third respondent also pointed out that another site belongs to Tadipatri Municipality is available in Sy.Nos.791 and 792, but the said case was dismissed by the fifth respondent. Aggrieved by the same, first and second respondents preferred an appeal to the fourth respondent and that the fourth respondent, by his order dated 30-3-2002, remanded the matter to the third respondent to made *de novo* enquiry. The third respondent without considering the earlier order dated 06-09-2000 and also the order of the fourth respondent dated 30-03-2002, passed the impugned order dated 13-02-2006 cancelling the pattas of the petitioners. Aggrieved by the said order, the petitioners filed an appeal before the Joint Collector, Anantapur, along with a stay petition for operation of the orders of the Revenue Divisional Officer, Anantapur, dated
13-02-2006.

Having regard to the facts and circumstances of the case, the fourth respondent is directed to consider and dispose of the appeal, as expeditiously as possible. However, pending appeal, status quo with regard to the possession of the house site pattas shall be maintained.

Accordingly, the writ petition is disposed of. No order as to costs.

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V. ESWARAIAH, J

Dated: 28-04-2006

sj